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16 STATE OF FLORIDA

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18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20 SAN FRANCISCO DIVISION

21 STATE OF CALIFORNIA, *et. al.*,

22 Plaintiffs,

23 vs.

24 INFINEON TECHNOLOGIES AG, *et. al.*,

25 Defendants.

Case No.: C 06-4333 PJH

**[PROPOSED] ORDER GRANTING  
PLAINTIFF STATE OF FLORIDA'S  
MOTION TO STRIKE**

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**ORDER**

Plaintiff State of Florida has moved to strike several of Defendants' Affirmative Defenses to the Plaintiffs' Third Amended Complaint. The Court, having reviewed the moving, opposition and reply papers, and all other papers in this action, finds that the State of Florida's Motion to Strike Elpida Memory, Inc.'s and Elpida Memory (USA) Inc.'s sixtieth

1 Affirmative Defense, Hynix's sixty-second Affirmative Defense, Infineon Technologies North  
2 American Corp. and Infineon Technologies AG's forty-third Affirmative Defense, Micron  
3 Technology Inc.'s and Micron Semiconductor Products, Inc.'s forty-third Additional Defense,  
4 Nanya Technology Corporation's Affirmative Defenses eleven and sixty-four, Nanya  
5 Technology Corporation USA's Affirmative Defenses eleven and sixty-four, and NEC  
6 Electronics America Inc.'s sixty-seventh and sixty-ninth Affirmative Defenses should be  
7 granted and the above Affirmative Defenses shall be stricken from the record.<sup>1</sup>

9 For the foregoing reasons, it is hereby **ORDERED** that Plaintiffs' Motion to Strike  
10 is **GRANTED**.

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12 **IT IS SO ORDERED.**

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HON. PHYLLIS J. HAMILTON  
16 United States District Judge  
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25 <sup>1</sup> To the extent each Defendant has adopted the Affirmative Defenses hereby stricken, they  
26 shall be deemed stricken from that Defendant's Answer as well, including the Answers of  
Mosel Vitelic Inc. and Mosel Vitelic Corporation, to the extent they have pled the stricken  
Affirmative Defenses.